

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GENNETT HOLMES)	
)	
Plaintiff,)	
)	
vs.)	06-cv-199E
)	
ST. VINCENT HEALTH CENTER,)	
)	
Defendant)	

MEMORANDUM OPINION AND ORDER

Pending before the Court is *pro se* Plaintiff Gennett Holmes's letter (treated by this Court as a motion), requesting we order the United States Marshals Service to serve the Defendant in this case "all legal documents needed in regards to this case." (Doc. 7)

Fed.R.Civ.P. 4(c)(2) provides in pertinent part: "[a]t the request of the plaintiff . . . the court may direct that service be effected by a United States marshal, deputy United States marshal, or other person or officer specially appointed by the court for that purpose. Such an appointment must be made when the plaintiff is authorized to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915" Thus, at any plaintiff's request, the court **may** direct that service be effected by a United States Marshal, a Deputy United States Marshal, or an officer specially appointed for that purpose, but when a plaintiff who is proceeding *in forma pauperis* makes such a request, the court **must** order service by a United States Marshal, a Deputy United States Marshal, or an officer specially appointed for that purpose.

In the instant case, Plaintiff is proceeding *in forma pauperis*. See Court's Order dated September 11, 2006 granting Plaintiff's motion for leave to proceed in forma pauperis. (Doc. #2).

Accordingly, Plaintiff's request that this Court order the United States Marshals Service to serve Defendant St. Vincent Health Center in this case "all legal documents needed in regards to this case" must be granted. The United States Marshals Service will be ordered to effectuate service of Plaintiff's Summons and Amended Complaint on Defendant St. Vincent Health Center, with the cost for the effectuation of service to be borne by the Government.

In order for the United States Marshals Service to be able to effectuate service, however, Plaintiff must: (1) complete a United States Marshals Service 285 form (available at the Clerk of Court's office) for Defendant St. Vincent Heath Center and return it completed to the Clerk of Court's office; (2) provide to the Clerk of Court's office one service copy of Plaintiff's Amended Complaint for Defendant St. Vincent Health Center and (3) provide to the Clerk of Court's office a Summons for Defendant St. Vincent Health Center (the Summons will be generated by the Clerk of Court's office at Plaintiff's request).

Moreover, Plaintiff shall be granted an extension of time, until February 18, 2007, to effectuate service of Defendant St. Vincent Health Center in accordance with Fed.R.Civ.P. 4(m).

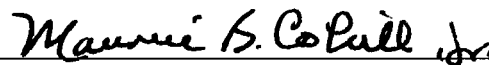
An appropriate order follows:

ORDER

AND NOW, this 16th day of January, 2007, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiff Gennett Holmes's letter (treated by this Court as a motion), requesting that this Court order the United States Marshals Service to serve the Defendant St. Vincent Health Center "all legal documents needed in regards to this case" (Doc. 7) is GRANTED. Plaintiff shall promptly complete and return to the Clerk of Court's office in Erie, PA, a United

States Marshals Service Form 285, along with a Summons and a service copy of her Amended Complaint. The United States Marshals Service then shall *forthwith* effectuate service of Plaintiff's Summons and Amended Complaint on Defendant St. Vincent Health Center, with the cost for the effectuation of service to be borne by the Government.

It is further ORDERED, ADJUDGED, AND DECREED that Plaintiff is granted an extension of time, until February 18, 2007, to effectuate service on Defendant St. Vincent Health Center in accordance with Fed.R.Civ.P. 4(m).



Maurice B. Cohill, Jr.
Senior District Court Judge

cc: United States Marshal (Pittsburgh)
Gennett Holmes
231 West 26th Street
Erie, PA 16508